

## HEARING ON THE MANAGEMENT OF INDIAN TRUST FUNDS

MS. CANTWELL. Mr. Chairman, thank you for this opportunity for the Committee to examine the problem of trust fund mismanagement and recent efforts towards its reform. Trust fund mismanagement marks a significant failure of the United States government's trust responsibility towards tribes and individual account holders. As the Chairperson of the Colville Tribes from Washington state framed it, "One of the saddest chapters in American history is the long-term mismanagement of trust resources" which were intended for the benefit of Indians and tribes.

Most recently, the class action lawsuit, *Cobell v. Norton*, has brought renewed urgency to the need to reform trust fund mismanagement. I share the dissatisfaction of the court in the failure of the U.S. government's trust responsibilities, and I echo its calls to reform trust management. However, it is critical that this reform be done with careful calculation and in a way that affirms, not diminishes, trust responsibilities, tribal self-determination, and self-governance.

Numerous tribes from Washington state have expressed serious concerns about the Department of the Interior's proposal to create a new Bureau of Indian Trust Assets Management, and I share these concerns. In fact, several tribal leaders from Washington state are in attendance today, and I would like to thank them for their leadership on this issue.

The tribes agree that there is significant room for improvement in the management of trust functions; however, they are concerned about both the merits of Interior's plans to create a new Bureau and the fact that tribes were not consulted prior to the development of its proposal. Indeed, tribes and individual Indians are the beneficiaries of trust assets, and the United States' has responsibility to honor the government-to-government relationship it has with tribes. Therefore, it is absolutely critical that tribes play a central role in any successful trust management reform.

Representatives from Interior have advised the Committee that trust fund management would be improved by removing all trust management duties from BIA, therefore keeping the services BIA provides to Native Americans and trust management completely separate. Washington state tribes have expressed their serious concern that removing trust functions from the BIA would effectively dismantle the agency, which has been the foothold for tribes in the federal government. For example, many tribes have partnerships with BIA in the execution of several trust responsibilities, such as natural resource management, and tribes do not want to see their role in the management of their resources diminish if these trust functions are taken out of the BIA. I will ask the witnesses to speak to these concerns today.

I understand that we will have the opportunity today to learn about a few of the proposals for trust reform designed by tribal organizations. In addition, the Tribal Task Force is reviewing these proposals and several others that have been tribally generated.

It is my hope that Interior will seriously consider the concerns, suggestions, and proposals from the tribal community and also take advantage of the wisdom and insight from the leaders who are working hard to create a viable plan for reform. Again, any successful attempt at rectifying this complex and centuries-long problem must include the experience of the tribes.

Again, thank you Mr. Chairman, and I would also like to thank the witnesses and the representatives from Washington state for being here today. I look forward to hearing the testimony and learning more about what we can do to assist in the effort of meaningful trust management reform.